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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,133	03/24/2004	Jean-Luc Perillon	1759.157	4558
23405 7590 07/24/2007 HESLIN ROTHENBERG FARLEY & MESITI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203			EXAMINER RUDDOCK, ULA CORINNA	
			ART UNIT 1771	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,133

Applicant(s)

PERILLON ET AL.

Examiner

Ula C. Ruddock

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14, 15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 10, 14, 15, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Examiner has carefully considered Applicant's response filed June 4, 2007. In view of Applicant's arguments, the previously set forth rejections have been withdrawn. However, after an updated search, additional prior art has been found which renders the invention as currently claimed invention unpatentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-3, 5, 7, 10, 14, 15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0480199 (EP '199) in view of Smith et al. (US 4,318,953). EP '199 discloses adhesive sheet material for sign making machines comprising a scrim layer that is embedded in a base film layer. The scrim is made up of polyester, nylon, and glass fibers. The base film layer can be made up of vinyl polymers and copolymers (col 4, ln 10-40). It should be noted that the Examiner is equating the disclosure of a scrim being embedded in a base film layer to Applicant's textile layer and two impregnation layers. The material also comprises a pressure sensitive adhesive layer and release liner that is joined to the scrim layer (col 5, ln 7-21). The release liner may comprise a layer of paper or plastic film (col 5, ln 56-57). EP '199 discloses the claimed invention except for the teaching that a printable varnish layer is deposited onto one of the impregnation layers.

Smith et al. disclose transfer material for use in sign making machines (abstract). The material comprises PVC sheets. A lacquer (i.e. varnish) is sprayed over the PVC

material (col 6, ln 50-62). It would have been obvious to one having ordinary skill in the art to have used Smith's lacquer on the adhesive sheet material of EP '199, motivated by the desire to create a material that has a pleasing appearance and increased durability.

Regarding claims 5 and 10, although EP' 199 and Smith et al. do not explicitly teach the claimed adhesive force, it is reasonable to presume that this property is inherent to the invention of Gray et al., Crouch et al., and Paquette et al. Support for said presumption is found in the use of like materials (i.e. a vinyl-coated scrim, a varnish on one side, a repositionable pressure sensitive adhesive on the other side, and release paper). The burden is upon Applicant to prove otherwise. *In re Fitzgerald*, 205 USPQ 594. In addition, the presently claimed property of a pressure sensitive adhesive layer possessing an adhesive force between 1 and 100 Newton, for a strip with a width of 5 cm, would obviously have been present once the EP' 199 and Smith et al. product is provided. Note *In re Best*, 195 USPQ at 433, footnote 4 (CCPA 1977).

Allowable Subject Matter

4. Claims 9, 17, and 18 are allowed.
5. Claims 4, 6, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: no prior art was found to teach the printable display support comprising all of the claimed layers.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is 571-272-1481. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UCR

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